

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
 :
 : Plaintiffs :
 :
 : v. :
 :
GOVERNOR MARK SCHWEIKER, et al., :
 :
 : Defendants :
 : NO. 02-CV-2949

ORDER

AND NOW, this day of 2005, it is ORDERED that Defendants' Motion to Supplement the Record is GRANTED. The Court receives as part of the summary judgment record the Information, Testimony, and Exhibits from the Trial of *Commonwealth v. Valdo Guilford*, Somerset Co., No. 871 of 2003, submitted by Defendants.

BY THE COURT:

TIMOTHY J. SAVAGE, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK SCHWEIKER, et al., :
Defendants : NO. 02-CV-2949

DEFENDANTS' MOTION TO SUPPLEMENT THE RECORD

Defendants move the Court to permit them to supplement the summary judgment record with the charging information, relevant testimony, and exhibits from the case of *Commonwealth v. Valdo Guilford*, Somerset County, No. 871 of 2003, filed separately. They state in support of this motion:

1. Plaintiffs have at times argued that envelopes addressed to inmates with return addresses of courts will not contain contraband because courts only send legitimate court material to inmates.

2. Defendants have argued that a court's return address on an envelope does not mean that the envelope actually came from a court or contains official court mail. They argue that court return addresses can easily be applied to any envelope, or that actual court envelopes can be stolen or misused. They argue that an envelope with a court return address could easily contain material that should not get beyond the prison mail room.

3. In their Supplemental Brief in Support of Their Motion for Summary Judgment, Defendants noted at page 34 that the Commonwealth had recently convicted a Pennsylvania inmate who had created a court order reducing his

sentence and had caused it to be mailed to his prison in an envelope bearing the trial court's return address.

4. Defendants have now obtained the transcript of that trial and would like to place before this Court with testimony from prison staff, court officials, and inmates as to how inmates themselves create envelopes with court return addresses and have them mailed into the prisons, and how prison staff will not detect the fakery until after the envelope has been opened. The phony court envelope created by the inmate there was placed in evidence as Commonwealth Exhibit B.

5. Indeed, the testimony shows that this was not an isolated incident. The testimony shows not only that the defendant, Guilford, had created a court return address envelope, but that he had learned the trick from another inmate, Small, who had done it himself, getting his prison to treat the envelope he had created as if it had come from a court. Transcript, pp. 221-257. Furthermore, the inmates had also forged court officials' signatures and court seals.

WHEREFORE Defendants request that the Court consider the testimony and exhibits from *Commonwealth v. Valdo Guilford*, Somerset Co., No. 871 of 2003 submitted with this motion.

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CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that Defendants' Motion to Supplement the Record has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I further certify that a true and correct copy of Defendants' Motion to Supplement the Record was mailed on April 11, 2005, by first class mail, postage prepaid to:

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